

**REMARKS**

Claims 2-18, 20-28, 30, 31, 33-35, 37-47, 49, 51, and 53-61 were pending when the present Office Action was mailed on July 3, 2007. In this response, claims 2, 6-8, 10-11, 13, 20, 26, 28, 30, 33, 35, 37, 40-42, 44, 46, 49, 53-61 have been amended. Accordingly, claims 2-18, 20-28, 30, 31, 33-35, 37-47, 49, 51, and 53-61 are currently pending. No new matter has been added.

The foregoing amendment and the following arguments are provided generally to impart precision to the claims, by more particularly pointing out the invention, rather than to avoid prior art.

The undersigned appreciates the Examiner's attempt to initiate discussion with regard to the instant application. Applicant's attorney agrees that a telephonic interview could facilitate resolution of these matters. To that end, Applicants' attorney filed a Change of Power of Attorney on August 6, 2007.

In the Final Office Action, all the pending claims are rejected. More specifically, the status of the application in light the July 3, 2007 Final Office Action is as follows:

(A) Claim 61 is rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

(B) Claims 2, 3, 5-7, 15-18, 20, 21, 23-25, 30, 33, 51, and 54-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,082,397, to Cohen ("Cohen").

(C) Claims 4 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Official Notice regarding old and well-known referred to as "ON1".

(D) Claims 8-10 and 26-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Yasin (PTO-892, item U).

(E) Claims 11-14, 31, 34, and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Official Notice regarding old and well-known referred to as "ON2".

(F) Claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of U.S. Patent No. 6,925,444, to McCollom ("McCollom").

(G) Claims 37, 38, 40-44, 45-47, and 49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Yasin (PTO-892, item U) and McCollom.

(H) Claim 39 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Yasin (PTO-892, item U) and McCollom as applied to claim 37, further in view of Official Notice regarding old and well-known referred to as "ON1".

#### I. 35 U.S.C. §101 Rejections

The Examiner rejected claim 61 under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Without admitting the propriety of the Examiner's rejection, claim 61 has been amended such that the Examiner's basis for rejection is moot. The withdrawal of the rejections under 35 U.S.C. §101 is respectfully requested.

#### II. 35 U.S.C. §103(a) Rejections

##### A. Claims 2, 3, 5-7, 15-18, 20, 21, 23-25, 30, 33, 51, and 54-61

The Examiner has rejected claims 2, 3, 5-7, 15-18, 20, 21, 23-25, 30, 33, 51, and 54-61 under 35 U.S.C. §103(a) as being unpatentable over Cohen (U.S. 7,082, 397) in

view of the alleged ordinary skill in the art at the time of the invention. Applicant respectfully disagrees.

Applicant respectfully submits that when viewed as a whole, the cited reference and the alleged skill in the art do not disclose the subject matter recited in the pending claims.

MPEP (2143.03) provides

"To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)." (Manual of Patent Examining Procedure (MPEP) 2143.03).

Applicants respectfully submit that the combination of Cohen and the alleged ordinary skill in the art at the time of the filing of claims 54-61 do not render Applicants' independent claims obvious since Cohen and the alleged ordinary skill in the art at the time of the filing do not disclose each and every element of independent claims 54-61.

1. The cited references ***do not disclose the subject matter of*** establishing a communication link "between the computer system and a particular computer system" of the second set of computer system that is affiliated with the particular merchant (***Claims 54-61***)

The Examiner asserts (Page 5 of Office Action mailed July 3rd, 2007) that "Cohen teaches: in response to receiving the audio request, causing the computer system to establish a communication link with the second computer system; ..." Applicant respectfully disagrees.

Cohen describes a system and method of creating and browsing a voice web that allows a user to audibly and interactively browse through a network of audio information. The system of Cohen allows the user to receive audio information and to transmit verbal instructions. However, Cohen's system establishes a link between an end user and a target system rather than establishing a communication link between an intermediary

agent ("a computer system") of an end user and the target system affiliated with a merchant ("the particular computer system").

Thus, Cohen does not disclose, suggest, motivate, and/or teach a system establishing a link "between a computer system a particular computer system" that is affiliated with the particular merchant, as claimed by applicant in independent claims 54-61.

For example, claim 54 includes the language:

**"operating a computer system** that is unaffiliated with a second set of computer systems utilized by a set of merchants to provide electronic commerce, the computer system being configured to respond to an audio command representing an audio purchase request received via a telephone interface system of the computer system;

presenting one or more offerings ...

in response to, ...

**establishing a communication link between the computer system and a particular computer system** of the second set of computer system that is affiliated with the particular merchant performing the electronic commerce transaction..."

In stark contrast, Cohen discloses a system that links an end user to a target entity. For example, Cohen states:

"The browser controller preferably maintains its connection to the user, makes connections to the desired voice page and **joins those calls together**. This allows the browser controller

to monitor the calls between the user and each voice page"  
(Column 4, lines 52-56)

"The browser controller 102 dials the telephone number of the second conventional telephone 108 to establish the link. The originating user is linked to the receiving user through the browser controller 102" (Column 5, lines 52-56)

Cohen further states:

"A user could call the airline to make travel arrangements to a city. The flight arrangements can be made and tickets can be purchased using an automated system. The automated system can include a browser controller" (Column 12, lines 44-47)

"The browser controller in the airline's' automated system will then automatically connect the user to the car rental agency in just the way described above" (Column 12, lines 50-54)

Thus, the system of Cohen establishes a direct link between a first user and a target entity (e.g., receiving user, airline, etc.), rather than establishing a link "between a computer system a particular computer system" that is affiliated with the particular merchant,, as claimed by applicant in independent claims 54-61.

Thus, at least for the above reasons, Cohen does not anticipate applicant's independent claims 54-61. Applicant further submits that the claim subject matter as recited in independent claims 54-61 are not obvious over Cohen, or the alleged knowledge in the art, and/or the additional art of record.

2. The cited references ***do not disclose the subject matter of*** "presenting one or more offerings provided by at least one of the set of merchants in audio format" via the telephone interface system ***(Claims 54, 55, 57, 59, 61)***

The system of Cohen includes a browser controller that "preferably links the user to telephone stations, voice-enabled world wide web pages, and regular world wide web pages, in response to voice commands." (Column 3, lines 7-10) Although the system as described by Cohen is able to establish links between a user and a telephone number or URL (Abstract), the system does not disclose the ability of "presenting one or more offerings" provided by the at least one of the set of merchants in audio format, as claimed by applicant in independent claims 54, 55, 57, 59, and 61. Thus, Cohen does not disclose, suggest, and/or teach "presenting one or more offerings" provided by the at least one of the set of merchants in audio format, as claimed by applicant in independent claims 54, 55, 57, 59, and 61.

Applicant further submits that Cohen teaches away from applicant's claimed subject matter of "presenting one or more offerings" provided by the at least one of the set of merchants in audio format since the system and the method taught by Cohen requires the user to specify a target recipient to whom the user wishes to connect to thus obviating the need for a system for "presenting one or more offerings" provided by the at least one of the set of merchants, as claimed by applicant.

For example, Cohen states:

"Once the link is established to the browser controller 102, the originating user is recognized and then **instructs the browser controller 102 to place the call** to the conventional telephone 108 via the PSTN 104" (Column 5, lines 48-51)

"As is well known, the originating user can dial the information services directly using the telephone number for that service. In the alternative, the originating user can dial the browser

controller 102 and instruct it to call a predetermined information service 112" (Column 6, lines 15-20)

"A user could call the airline to make travel arrangements to a city. The flight arrangements can be made and tickets can be purchased using an automated system. The automated system can include a browser controller" (Column 12, lines 44-47)

Therefore, in Cohen's system, the user instructs the system as to who the user is to be connected to. There appears to be no need in the system of Cohen to present the offerings offered by the merchants to the user since the user directs the system to the destination. Thus, applicant respectfully submits that Cohen teaches away from "presenting one or more offerings" provided by the at least one of the set of merchants in audio format, as claimed by applicant in independent claims 54, 55, 57, 59, and 61. Accordingly, applicant's independent claims 54, 55, 57, 59, and 61 are non-obvious over Cohen alone and/or in light of the additional art of record.

Since applicant's independent claims 54-61 have claim limitations that are not disclosed in, nor suggested by, the cited reference and/or the alleged knowledge of one of skill in the art, Applicant's independent claims are patentable over the cited references at least for the above stated reasons. Applicant's remaining claims depend from one of the foregoing independent claims and therefore incorporate the distinguishing claimed subject matter of the foregoing independent claims. Therefore, the remaining dependent claims are also patentable over the cited references. Thus, the withdrawal of the rejections under 35 U.S.C. §103(a) is respectfully requested.

B. Claims 4 and 22

Claims 4 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Official Notice regarding old and well-known referred to as "ON1." Applicant respectfully disagrees.

The Official Notice ("ON1") was cited for the additional subject matter claimed in dependent claims 4 and 22. Claims 4 and 22 depend from one of the foregoing independent claims and therefore incorporate the distinguishing subject matter of the foregoing independent claims. The ON1 also does not show the distinguishing claimed subject matter of the independent claim 54 from which claims 4 and 22 depend.

Thus, even if Cohen and ON1 were combined, the resulting disclosure would be different from what is claimed by applicant in claims 4 and 22. The combination would not include the distinguishing claimed subject matter of the foregoing independent claims. Thus, without admitting to the propriety of combining Cohen and ON1 in a way presented in the Office Action, applicant respectfully submits that dependent claims 4 and 22 are patentable over Cohen, ON1, and over the combination of Cohen and ON1, at least for the above stated reasons.

The withdrawal of the rejections is thus respectfully requested for the claims 4 and 22.

C. Claims 8-10 and 26-28

Claims 8-10 and 26-28 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Yasin (PTO-892, item U). Applicant respectfully disagrees.

Yasin was cited for the additional subject matter claimed in dependent claims 8-10 and 26-28. Claims 8-10 and 26-28 depend from one of the foregoing independent claims and therefore incorporate the distinguishing subject matter of the foregoing independent claims. Yasin also does not show the distinguishing claimed subject matter of the independent claims 54 and 55 from which claims 8-10 and 26-28 depend.

Thus, even if Cohen and Yasin were combined, the resulting disclosure would be different from what is claimed by applicant in claims 8-10 and 26-28. The combination would not include the distinguishing claimed subject matter of the foregoing independent claims. Thus, without admitting to the propriety of combining Cohen and Yasin in a way



presented in the Office Action, applicant respectfully submits that dependent claims 8-10 and 26-28 are patentable over Cohen, Yasin, and over the combination of Cohen and Yasin, at least for the above stated reasons.

The withdrawal of the rejections is thus respectfully requested for the claims 8-10 and 26-28.

D. Claims 11-14, 31, 34, and 53

Claims 11-14, 31, 34, and 53 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Official Notice regarding old and well-known referred to as "ON2". Applicant respectfully disagrees.

The Official Notice ("ON2") was cited for the additional subject matter claimed in dependent claims 11-14, 31, 34, and 53. Claims 11-14, 31, 34, and 53 depend from one of the foregoing independent claims and therefore incorporate the distinguishing subject matter of the foregoing independent claims. The ON2 also does not show the distinguishing claimed subject matter of the independent claims 54, 57, and 61 from which claims 11-14, 31, 34, and 53 depend.

Thus, even if Cohen and ON2 were combined, the resulting disclosure would be different from what is claimed by applicant in claims 11-14, 31, 34, and 53. The combination would not include the distinguishing claimed subject matter of the foregoing independent claims. Thus, without admitting to the propriety of combining Cohen and ON2 in a way presented in the Office Action, applicant respectfully submits that dependent claims 11-14, 31, 34, and 53 are patentable over Cohen, ON2, and over the combination of Cohen and ON2, at least for the above stated reasons.

The withdrawal of the rejections is thus respectfully requested for the claims 11-14, 31, 34, and 53.

E. Claim 35

Claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of U.S. Patent No. 6,925,444, to McCollom ("McCollom"). Applicant respectfully disagrees.

McCollom was cited for the additional subject matter claimed in dependent claim 35. Claim 35 depends from one of the foregoing independent claims and therefore incorporates the distinguishing subject matter of the foregoing independent claims. McCollom also does not show the distinguishing claimed subject matter of the independent claim 57 from which claim 35 depends.

Thus, even if Cohen and McCollom were combined, the resulting disclosure would be different from what is claimed by applicant in claim 35. The combination would not include the distinguishing claimed subject matter of the foregoing independent claims. Thus, without admitting to the propriety of combining Cohen and McCollom in a way presented in the Office Action, applicant respectfully submits that dependent claim 35 is patentable over Cohen, McCollom, and over the combination of Cohen and McCollom, at least for the above stated reasons.

The withdrawal of the rejections is thus respectfully requested for the claim 35.

F. Claims 37, 38, 40-44, 45-47, and 49

Claims 37, 38, 40-44, 45-47, and 49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Yasin (PTO-892, item U) and McCollom. Applicant respectfully disagrees.

Yasin and McCollom were cited for the additional subject matter claimed in dependent claims 37, 38, 40-44, 45-47, and 49. Claims 37, 38, 40-44, 45-47, and 49 depend from one of the foregoing independent claims and therefore incorporate the distinguishing subject matter of the foregoing independent claims. Yasin and McCollom

also does not show the distinguishing claimed subject matter of the independent claims 58 and 59 from which claims 37, 38, 40-44, 45-47, and 49 depend.

Thus, even if Cohen, Yasin and McCollom were combined, the resulting disclosure would be different from what is claimed by applicant in claims 37, 38, 40-44, 45-47, and 49. The combination would not include the distinguishing claimed subject matter of the foregoing independent claims. Thus, without admitting to the propriety of combining Cohen, Yasin, and McCollom in a way presented in the Office Action, applicant respectfully submits that dependent claims 37, 38, 40-44, 45-47, and 49 are patentable over Cohen, Yasin, McCollom and over the combination of Cohen, Yasin, and McCollom at least for the above stated reasons.

The withdrawal of the rejections is thus respectfully requested for the claims 37, 38, 40-44, 45-47, and 49.

G. Claim 39

Claim 39 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Cohen in view of Yasin (PTO-892, item U) and McCollom as applied to claim 37, further in view of Official Notice regarding old and well-known referred to as "ON1". Applicant respectfully disagrees.

Yasin, McCollom, and the Official Notice ("ON1") were cited for the additional subject matter claimed in dependent claim 39. Claim 39 depends from one of the foregoing independent claims and therefore incorporate the distinguishing subject matter of the foregoing independent claims. Yasin and McCollom also does not show the distinguishing claimed subject matter of the independent claim 59 from which claim 39 depends.

Thus, even if Cohen, Yasin, McCollom, and the ON1 were combined, the resulting disclosure would be different from what is claimed by applicant in claim 39. The combination would not include the distinguishing claimed subject matter of the foregoing independent claims. Thus, without admitting to the propriety of combining Cohen, Yasin,

McCollom, and the ON1 in a way presented in the Office Action, applicant respectfully submits that dependent claim 39 is patentable over Cohen, Yasin, McCollom, and the ON1 and over the combination of Cohen, Yasin, McCollom, and the ON1 at least for the above stated reasons.

The withdrawal of the rejections is thus respectfully requested for the claim 39.


III. Conclusion

In view of the foregoing, Applicant submits that the claims pending in the application patentably define over the prior art. The Applicant respectfully requests the Examiner withdraw rejections of all claims. A Notice of Allowance is respectfully requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4305.

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Respectfully submitted,

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